

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEVADA**

LAURA LEIGH,

Plaintiff,

v.

Sally Jewell, et al.,

Defendants.

CASE NO. 3:13-cv-00006-MMD-VPC

DECLARATION OF MELANIE L. MIRATI

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I, Melanie L. Mirati, do declare as follows:

I have personal knowledge of the matters set forth herein and if called to testify I could and would testify competently thereto.

1. I am the Wild Horse and Burro (WH&B) Specialist for the Bureau of Land Management (BLM) Black Rock Field Office and the Program Lead for the Winnemucca District, in Winnemucca, Nevada. I have held that position since August 15, 2011. I have worked for the BLM for 8 years, five of those years serving as a WH&B Specialist, first in Wyoming and now in Nevada.
2. I have a Bachelors of Science in Wildlife Ecology and Conservation from Northwest Missouri State University, with a minor in Biology and Agriculture Science. I have also attended Equine Educational Outreach Programs with California State Polytechnic University, Pomona, CA, including Wild Mustang Ecology Field Study and California Show Horse Judging Seminar.
3. I have owned, cared for and ridden horses for all of my life. I have worked with many different horse breeds and riding styles. I have extensive experience working with farriers (i.e., horse shoers), trainers, and stallion handlers/breeders. I have also adopted several wild horses throughout my adult life, and I have enjoyed these horses immensely. I have also worked for large animal veterinarians with equine emphasis.
4. As the only experienced WH&B Specialist in the District, I am currently responsible for the administration and management of wild horses within all twenty Herd Management Areas (HMAs) in the Winnemucca District, including the Little Owyhee and Snowstorm Mountains HMAs. My duties also include conducting wild horse over-flight inventories and aerial

distribution flights, monitoring the condition of wild horses within the HMAs (including potential emergency situations and determining if water hauling is necessary to protect the health and well-being of the wild horses), and collecting data on wild horse impacts to rangeland resources to determine whether there is an over-population of wild horses on the range, or whether the established Appropriate Management Levels require modification to ensure a thriving natural ecological balance.

5. I have reviewed the Motion for a Temporary Restraining Order filed on August 9, 2013 in Laura Leigh v. Jewell, Case No. 3:13-cv-0006-MMD-VPC, and the accompanying declarations.
6. I am familiar with the Snowstorm Mountains HMA and the Dry Hills pasture, which is partially outside the Snowstorm Mountains HMA, and have frequently and repeatedly visited these areas since August 2011. I am also very familiar with the available data on rangeland conditions within the Snowstorm HMA and the Dry Hills Pasture area, as well as the condition of the wild horses within these areas.
7. The Snowstorm Mountains Herd Management Area (HMA) has been experiencing severe to extreme drought conditions for the past two years, as confirmed by BLM's monitoring and by the July 23, 2013 U.S. Drought Monitor Report (prepared by the National Climatic Data Center, a division of the National Oceanic and Atmospheric Administration (NOAA)). I have been involved with the drought monitoring efforts throughout the Winnemucca District (WD) of the WH&B program during 2012 and 2013.
8. As of September, 2012, the number of horses in the Snowstorm area was in excess of the Appropriate Management Level (AML) for Snowstorm. Because no wild horses were removed in 2012, BLM estimates that there are currently an over 600 wild horses in or near Snowstorm, inclusive of this year's foals. A large number of the wild horses are currently residing outside the Snowstorm HMA boundaries in the Dry Hills Pasture of the Bullhead Allotment.
9. There is currently insufficient water to sustain the population of wild horses now residing in the Dry Hills Pasture. Although wild horses may be capable of withstanding forage shortages for lengthy periods of time, insufficient water supplies will quickly compromise wild horse health and wellbeing causing significant mortality rates within only days.
10. To avoid horse mortality, BLM has arranged for water to be hauled to Dry Hills Pasture during the summer and fall of 2012, and since May of this year. Absent this hauling, there would be an acute lack of water in this area and, consequently, catastrophic wild horse mortality. BLM is hauling water five days each week at a total rate of 25,000 gallons of water per week.

11. In late July, BLM invited members of the public to participate in drought tours for areas where BLM is concerned that inadequate water or forage poses a threat to the health and well-being of wild horses. Plaintiff Laura Leigh attended the drought tour for the Snowstorm Mountains HMA on July 25, 2013. That tour focused on the Dry Hills pasture.
12. An emergency gather for Snowstorm was initially contemplated to begin in August of this year. A properly designed and implemented emergency gather would better ensure horse welfare than the costly and labor-intensive process of water hauling, which also fails to address the long distances wild horses are currently trailing in their search for forage. An emergency gather would also prevent equine respiratory ailments associated with fine dust that exists in drought stricken areas, which the horses inhale as they trail for miles to forage. A BLM press release dated July 19, 2013, indicated that an emergency gather on Snowstorm would begin sometime in early August.
13. An emergency gather on Snowstorm, if approved, would likely proceed not by helicopter roundup, but by water and bait trapping. Prior to any gathering, panels are placed in an area where wild horses are accustomed to watering. The panels are placed in fairly close proximity to the water source in an attempt to acclimate the horses to their presence. The excess wild horses in the Dry Hills Pasture are fairly docile and are comfortable with human activity. Once the horses are acclimated to the initial erection of panels, additional panels are added to complete a corral or enclosure around the water source with only one opening or gate to access the water source. When the corral is complete the horses are allowed to once again acclimate to watering before the trap is utilized to catch horses. The process of acclimation can take weeks or months.
14. In anticipation of a possible gather, BLM began certain preliminary non-gather activities. In particular, BLM issued a task order for an emergency gather near Snowstorm. BLM also erected panels in the Dry Hills pasture in an effort to acclimate wild horses to their presence.
15. At this time, the WD has not been authorized to proceed with an emergency gather of the Snowstorm Mountain HMA.
16. If an emergency gather is authorized, then the WD would issue a new Record of Decision to implement the emergency gather. This Decision would be separate and distinct from the Records of Decision at issue in the above-captioned litigation, because the emergency gather decision would respond directly to the prevailing drought conditions in the Snowstorm HMA.
17. As of the present date, BLM has not issued a decision to conduct an emergency gather on or near the Snowstorm HMA due to a number of factors.

18. The entire state of Nevada has been designated a natural drought disaster area by the United States Department of Agriculture. The current population of wild horses throughout Nevada currently far exceeds both the established AMLs and the capacity of drought-stressed rangelands. The proposed emergency gather for the Snowstorm HMA is only one of many proposed emergency gathers requiring prioritization by the WH&B Program. Limited funds and limited holding capacity for excess wild horses have imposed constraints the total number of gathers BLM can conduct in response to emergency drought conditions. As of this date, there is no indication if or when the WH&B Program will approve an emergency gather for Snowstorm. No excess wild horses have been or will be gathered there unless the WD receives approval to conduct a gather and then issues a decision to conduct an emergency gather.
19. In light of the uncertainty as to whether any emergency gather will occur, BLM suspended preliminary non-gather work near Snowstorm on August 3, 2013. On August 12, 2013, BLM issued a Notice to Suspend Work to the contractor.
20. If BLM authorizes an emergency gather in the future, then the agency will issue an emergency gather decision specific to such action. That decision would be posted on BLM's website, along with a press release.

I declare under penalty of perjury that the foregoing is true and correct. Signed this 15th day of August, 2013 in Winnemucca, Nevada.


Melanie L. Mirati